

**IN THE MATTER OF  
LAURIE Z. ODONELL  
PETITIONER**

**\* BEFORE THE DIRECTOR OF  
\* DEPARTMENT OF PLANNING & ZONING  
\* CASE NO. AA-21-014  
\* 8230 ELBERTA DRIVE**

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### **DECISION AND ORDER**

On February 18, 2022, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of Laurie Z. Odonell, for Administrative Adjustments from Section 108.0.D.4.b.(1)(a)(ii) to reduce the required 50-foot side setback from a public street right-of-way to 40 feet and Section 108.0.D.4.c.(1)(c)(i) to reduce the required 30-foot rear setback to 28 feet for the construction of a 672 square foot attached garage, as authorized under the Administrative Adjustment Procedure, Section 100.0.F.1. The notice of the hearing was posted on the subject property, 8230 Elberta Drive (the "Property") in accordance with all applicable regulations. The Petitioner was represented by Luke Vane. No one testified in opposition to the petition.

Prior to the introduction of testimony, the following items were incorporated into the record by reference:

1. The Howard County Zoning Regulations.
2. The Subdivision and Land Development Regulations.
3. The Administrative Procedures Act of the Howard County Code.

During the hearing, the following items were introduced as exhibits:

1. Administrative Adjustment Petition and Plans submitted by the Petitioner.
2. All supplemental information and justification submitted with the application for Alternative Compliance.

Mr. Tyler provided a brief report on the Property, the zoning district and the petition. Mr. Vane agreed with the report outlined during the hearing that this request is for a reduction of the required 50-foot side setbacks from a public street right-of-way to 40 feet and a reduction of the required 30-foot rear setback to 28 feet for the construction of a 672 square foot (24 ft. by 28 ft.) attached garage. Mr. Vane asserted that the unique lot shape and existing setbacks on the Property would cause the proposed structure not to meet the current setbacks.

Mr. Vane asserted that the style of the garage is compatible with the surrounding neighborhood and will not alter the essential character of the neighborhood. He stated that the irregular lot shape (a corner lot), orientation of the house, and the location of the existing driveway necessitate the location of garage on the west side of the house. He explained that these hardships were not created by the current owner and the request is the minimum relief necessary to construct an attached garage that is compatible with the neighborhood and in the most practical location. Based upon the testimony, exhibits presented at the hearing, and the plans and materials submitted by the Petitioner as part of the petition, the Director makes the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. The Petitioner, Laurie Z. Odonell, is the owner of the Property, which is located on the north side of Elberta Drive, approximately 100 feet northeast of the intersection with Hale Haven Drive and Elberta Drive. The Property is identified as Tax Map 31, Parcel 493 and addressed as 8230 Elberta Drive. The Property is 0.479 acre and zoned R-20.
2. The Property was created on March 24, 1959 with the recording of Garrian Section 1 (Plat Book 6, Page 97).
3. The Petitioner proposes to construct a 672 square foot (24 ft. by 28 ft.) attached two-car garage, that will encroach 10 feet into the required 50-foot setback from Hale Haven Drive and two (2) feet into the required 30-foot rear setback.
4. The site is relatively flat and descends from an elevation of 490 feet along the west boundary line to 482 feet in the northeast.
5. All adjoining properties are zoned R-20 and contain single family detached dwellings, most of which have either a one or two-car attached garage. To the west of the Property is Hale Haven Drive and to the south is Elberta Drive.

## CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Director makes the following Conclusions of Law:

1. The Property is a corner lot and is subject to a 50-foot setback from the front and side property lines that abut a public road right-of-way. Additionally, the Property has an irregular shape as it narrows along the rear lot line and the side street lot line along Hale Haven Drive. These unique physical conditions result in practical difficulties in complying with the required 50-foot front setback from a public street right-of-way, since there is not adequate width to construct a two-car garage. The unique conditions do not result in practical difficulties in complying with the 30-foot rear yard setback, since a 26-foot deep garage is allowed and is sufficient to park passenger vehicles.
2. The requested adjustments are approximately 10 feet into the 50-foot side setback from a public street right-of-way and two (2) feet into the 30-foot rear setback; and are unlikely to be discernible from adjacent properties. Therefore, the encroachments are unlikely to alter the essential character of the area, impair the use or development of the adjacent property, or be detrimental to the public welfare.
3. The practical difficulty resulting from the Property being a corner lot and the irregular lot shape was not created by the Petitioner, who purchased the Property in 2008.
4. The irregular lot shape and the 50-foot setback on two sides result in practical difficulties in complying with the required 50-foot side setback from a public street right-of-way. The Petitioner is requesting to construct an attached two-car garage, which is consistent with other homes in the neighborhood. The proposed 24-foot width is a standard width for a two-car garage. Therefore, this adjustment is the minimum necessary to afford relief within the intent and purpose of the zoning regulations.
5. The proposed 28-foot depth exceeds the requirement for a passenger vehicle and 26 feet of depth is available without encroaching into the 30-foot rear setback. Therefore, this adjustment is not the minimum necessary to afford relief.

## ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 16 day of March, 2022 by the Director of the Department of Planning and Zoning for Howard County, ORDERED that the petition of Laurie Z. Odonell for an Administrative Adjustment to reduce the 50-foot side setback from a public street right-of-way to 40 feet for a proposed attached garage is hereby **GRANTED** and the request to reduce the 30-foot rear setback to 28 feet for the same construction is hereby **DENIED**.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director  
Department of Planning and Zoning

Prepared By:  
The Howard County Department of  
Planning and Zoning

DocuSigned by:

Justin Tyler

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Justin Tyler, Director's Designee  
Department of Planning and Zoning

Notice: A person aggrieved by this decision may appeal it to the Howard County Hearing Authority within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time, the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Hearing Authority. The person filing the appeal will bear the expense of providing notice and advertising the hearing.